



TO: Sen. Terry B. Gerratana and Rep. Matthew Ritter, Chairmen,
And Honorary Members of the Public Health Committee

Testimony from Rivers Alliance of Connecticut
Public Hearing, March 2, 2016, on

RB 297 AAC CHANGE IN USE PERMITS FOR CERTAIN WATER SYSTEMS

Support with language change.

Rivers Alliance of Connecticut is a statewide non-profit organization, founded in 1992, as a coalition of river organizations, other conservation non-profits, individuals, and businesses working to protect and enhance Connecticut's rivers, streams, aquifers, lakes, and estuaries. We promote sound water policies and water stewardship through education and assistance at the local, regional, and state levels.

This bill appears to replace Sec. 7 of PA 14-163 (the state water plan law).

RB 297 seems to have the same or a similar goal as PA 14-163: to relieve water utilities and DPH of the requirement to have a change-of-use approval for minor, routine activities. But 297 deletes the requirement to do a study aimed at producing a regulation for a general permit. We agree that this study requirement may be burdensome, but we urge that Bill 297 use the same description of minor activities as in the existing law. This language was carefully negotiated. Relevant language is in bold face below.

Sec. 7. (*Effective July 1, 2014*) The Department of Public Health, in consultation with the Water Planning Council, shall study the feasibility of establishing a general permit for **activities that are determined to be minor and that will: (1) Cause minimal environmental and public health effects when conducted separately, (2) cause only minimal cumulative environmental and public health effects, and (3) have no adverse effect on existing or potential uses of water or water bodies.** Such study shall provide a listing of activities that may be conducted subject to such general permit and the circumstances for conducting such activities. Not later than July 1, 2015, the department shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health and the environment concerning such study

We also request that bill 297 include a means to create some sort of public record of the activities determined to be minor. This could be done in a number of simple ways. Our recommendations for revision of Bill 297 are show here below:

Section 1. Section 25-32 of the general statutes is amended by adding subsection (r) as follows (*Effective October 1, 2016*):

(NEW) (r) Notwithstanding any provision of this section, a permit shall not be required for [any routine maintenance, repair, upgrade or replacement of public water supply system components, or de minimis activities related to maintenance of existing public water supply system infrastructure,] activities that are determined to be minor and that will: (1) Cause minimal environmental and public health effects when conducted separately, (2) cause only minimal cumulative environmental and public health effects, and (3) have no adverse effect on existing or potential uses of water or water bodies. performed or authorized by a water company serving one thousand or more persons that has filed a water supply plan pursuant to section 25-32d and complies with applicable best management practices for stormwater management, erosion and sedimentation control, and fuel and chemical handling and storage. The department shall establish approval of such minor activities by a written publicly available determination that no permit is needed. If the department determines that approval for a change in use is required for a water supply construction project that would otherwise require department approval of the project plans, then the change in use shall be included as part of the project approval on the condition that the change in use is described in a document available to the public.

Thank you for your consideration.

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